

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: ******

IBI DESIGN INC.,

v.

TREVOR MELTON,

Defendant.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff IBI DESIGN INC. by and through its undersigned counsel, brings this complaint against Defendant TREVOR MELTON for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff IBI DESIGN INC. (“IBI”) brings this action for violations of willful copyright infringement under 17 U.S.C. § 501, for using, copying, and distributing IBI’s original copyrighted Works of authorship.

2. IBI is a full-service creative studio located in Boca Raton, Florida. Edward Butera is the founder and current president of IBI. IBI is a group of professional photographers, graphic designers, and web designers. IBI was founded in 1992 and has worked with real estate clients since its founding. IBI works with real estate companies and realtors throughout South Florida, including Premier Estate Properties.

3. Defendant TREVOR MELTON (“Melton”) is a former employee of IBI. IBI hired Melton to be a photo processor and photo editor. Melton worked on photographs taken by Edward

Butera. Throughout his employment at IBI, Melton was mentored by Edward Butera, and learned how to become a photographer. Melton resigned from IBI in 2023 and is now working as a bespoke photographer in South Florida.

4. IBI alleges that Melton used and distributed IBI's registered and protected Works to advertise, market, and promote Defendant's business activities. Melton committed the violations alleged in connection with Defendant's business for purposes of promoting and advertising sales to the public in the course and scope of Defendant's business. IBI further alleges that Defendant conducted these violations by posting IBI's registered copyrighted photographs to Defendant's Instagram and Facebook accounts.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338 (a).

7. Melton is subject to personal jurisdiction in Florida.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Melton engaged in infringement in this district, Melton conducts business in this district, and Melton is subject to personal jurisdiction in this district.

PARTIES

9. IBI is a Florida Profit Corporation with a principal place of business in Boca Raton, Florida

10. Melton is a bespoke photographer specializing in real estate photography in South Florida.

11. Melton was hired by IBI on February 23, 2021.

12. Melton resigned from his position as photo editor at IBI on September 5, 2023.

THE COPYRIGHTED WORKS AT ISSUE

13. Melton has been improperly using, displaying, and claiming authorship of numerous photographs that are owned exclusively by IBI. These images include photographs of luxury properties in Jupiter, Florida, Palm Beach County, Florida, and surrounding areas, as well as magazine covers that feature IBI's work. These photographs are shown below and referred to herein as the "Works".

14. IBI registered the Works of **Exhibits A-D** with the Register of Copyrights on September 23, 2024, and was assigned registration number VAu 1-548-453. The certificate of registration is attached hereto as **Exhibit F**.

15. IBI registered the Works of **Exhibit E** with the Register of Copyrights on March 21, 2025, and was assigned registration number VAu 1-550-437. The certificate of registration is attached hereto as **Exhibit G**.

16. At all relevant times, IBI was the owner of the copyrighted Works at issue in this case.

INFRINGEMENT BY MELTON

17. Melton has never been licensed to use the Works at issue in this action for any purpose after he resigned from IBI.

18. On a date after the Works at issue in this action were created, but before the filing of this action, Melton began posting IBI's photographs to social media platforms like Instagram and Facebook.

19. September 1, 2023 was Melton's last day of employment at IBI.

20. On September 5, 2023 Melton officially tendered his resignation from his position at IBI.

21. Following Melton's resignation, he began to distribute and use IBI's Works without permission from IBI.

22. After his resignation, Melton, without permission from IBI, continuously posted IBI's copyrighted Works to Facebook and Instagram.

23. Melton used and distributed IBI's copyrighted Works in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

24. Melton committed copyright infringement of the Works as evidenced by the documents and photographs attached under **Exhibits A-G**.

25. After Melton's resignation, IBI never gave Melton permission or authority to copy, distribute, or display the Works at issue in this case.

26. IBI notified Melton of the allegations set forth herein on April 28, 2025. To date, the parties have failed to resolve this matter and Melton continues to willfully infringe upon the Works.

COUNT I

COPYRIGHT INFRINGEMENT

27. IBI incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. IBI owns valid copyrights in the Works at issue in this case.

29. IBI registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

30. Melton used, displayed, published, and distributed the Works at issue in this case without IBI's authorization in violation of 17 U.S.C. § 501.

31. Melton performed the acts alleged in the course and scope of his business activities.

32. Defendant's acts were willful.

33. IBI has been damaged.

34. The harm caused to IBI is irreparable.

WHEREFORE, the Plaintiff IBI DESIGNS LLC., prays for judgment against the Defendant TREVOR MELTON that:

- a. Melton be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1202;
- b. Melton be required to pay IBI its actual damages and Defendant's profits attributable to the infringement, or, at IBI's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203;
- c. IBI be awarded attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. IBI be awarded pre- and post-judgment interest; and
- e. IBI be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

IBI hereby demands a trial by jury of all issues so triable.

Dated: May 21, 2025

Respectfully submitted,

/s/ Darren A. Heitner
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